IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 92 of 1999
with
CIVIL APPLICATION No 86 of 1999
in
SPECIAL CIVIL APPLICATION No 10274 of 1998

For Approval and Signature:

HON'BLE MR.JUSTICE B.J.SHETHNA
and
HON'BLE MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

GUJARAT ECOLOGY COMMISSION THROUGH DIRECTOR

Versus

VIJAYAM R MENON

Appearance:

1. LETTERS PATENT APPEAL No. 92 of 1999
MR GM JOSHI for Appellant No.
MR MUKUL SINHA for Respondent No. 1
MR NAGESH SOOD AGP for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE B.J.SHETHNA

and

HON'BLE MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 16/09/2003

ORAL JUDGEMENT

(Per : HON'BLE MR.JUSTICE B.J.SHETHNA)

#. Special Civil Application No.10274/98 filed by the respondent-petitioner-Mrs.Vijayam R. Menon was admitted by the learned Single Judge of this court (Coram : M.R.Calla, J. [as he then was]) on 24.12.1998 by speaking order and while issuing rule on the main writ petition the operation of the communication dated 3.12.1998, whereby the petitioners' services were sought to be terminated with effect from 2.1.1999, was ordered to be stayed and it was ordered that the petitioner shall be allowed to continue in service even beyond 2.1.99 till further orders as she was continuing at that time when the order was passed.

#. Being aggrieved by the interim order granted by the learned Single Judge of this court on 24.12.1998, the appellant has filed this appeal. It was straightaway admitted by the Division Bench of this court (Coram : B.C.Patel, J. [as he then was] and A.L.Dave, J.) on 25.1.1999.

#. Civil Application No.86/99 was filed in the appeal by the appellant-applicant on 13.1.1999 and it was prayed that the order passed by the learned Single Judge on 24.12.1998 in Special Civil Application No.10274/98 be stayed.

#. On Civil Application, Division Bench of this court passed order dated 25.1.1999. Rule was made returnable on 8.2.1999. Thereafter, Civil Application was adjourned from time to time and lastly it was placed before another Division Bench on 4.8.1999 where Mr.Sinha for the respondents made a statement that the matter was likely to be settled between the parties, therefore, two months time was prayed for and accordingly the matter was adjourned to 22.11.1999. Thereafter, the Civil Application was placed before this court today.

#. Considering the fact that interim relief was granted by the learned Single Judge on main writ petition i.e. Special Civil Application No.10274/98 way back on 24.12.1998 it remained in force till today for a period of nearly 5 years, we are of the considered opinion that no interference is called for against such order after a

lapse of almost 5 years. Therefore, without expressing any opinion regarding the legality and validity of the order passed by the learned Single Judge granting interim relief, this appeal is required to be disposed of.

#. However, it was submitted by learned counsel Mr.Bharat Patel for Mr.Gautam Joshi that the learned Single Judge, whosoever is taking such matters be directed to fix Special Civil Application No.10274/98 and decide the same as early as possible. Instead of issuing any direction to the learned Single Judge, we are of the considered opinion that if the present appellant approach the learned Single Judge by way of appropriate application for fixing early date of hearing of Special Civil Application No.10274/98, then the learned Single Judge may consider that request and try to fix the Special Civil Application No.10274/98 as early as possible. Nothing more can be in this appeal except this. Accordingly, this appeal is dismissed.

Civil Application for interim relief is dismissed as the main appeal is dismissed. Rule issued on it is dismissed with no order as to costs.

(B.J.Shethna, J.)

(Ravi R. Tripathi, J.)

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